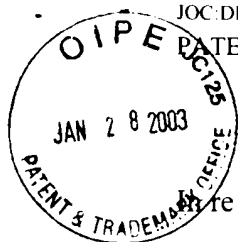


PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Allan D. McLean

Art Unit: 1661

Application No. 10/081,731

Filed: February 21, 2002

For: APPLE TREE NAMED 'MC38'

Examiner: Susan B. McCormick

Date: January 22, 2003

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on January 22, 2003 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Attorney for Applicant

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

JAN 30 2003

RESPONSE

TECH CENTER 1600/2900

This responds to the Office Action of October 22, 2002.

Please replace the specification with the enclosed specification. A red-line copy of the specification is enclosed to indicate the changes that have been made in the substitute specification from those in the specification as originally filed.

Remarks

The application should be in condition for allowance and such action is respectfully requested.

The table found in the application has been designated as Table 1.

The Latin name of the genus and species has been included along with the subheading.

Color chart information has been provided. More specific information concerning the vigor of the plant has also been included. Tree trunk diameter information is included. Specific disease resistance information has been included. The reference to drought and insect resistance has been deleted for lack of quantifiable information.

Additional information has been included concerning the flower and pollination requirements of the observed tree. Page 5, lines 11 and 12, of the originally filed application contain information on first and last picking dates. Some of the information requested by the Examiner will not be available until most likely the end of September of 2003.